

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NICHOLAS M. MOSS,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

**8:20CV474**

**MEMORANDUM AND ORDER**

This matter is before the Court in response to a letter from Petitioner received on April 19, 2024, seeking confirmation that he attached “affidavits of 3 jurors” and “cell phone records” to his initial Petition filed with this Court on November 12, 2020. [Filing No. 43](#). In response to Petitioner’s query, although attachments were referenced in his Petition, no attachments were filed with it. See [Filing No. 1](#). The Court notes that the state court record filed by Respondent does contain multiple affidavits and cell phone records. See *generally*, [Filing No. 10](#). However, this Court cannot be certain the affidavits and cell phone records Petitioner mentions are the same as those contained in the record.

To the extent Petitioner, via his letter, seeks leave to supplement the record, leave is granted. Petitioner has **thirty days** in which to file the referenced “three juror affidavits” and “cell phone records.” However, if Petitioner chooses to supplement the record, he must also provide an explanation of when any submitted documents were before the state

courts. To the extent Petitioner requires additional time to submit the documents he must request an extension in writing before the thirty-day deadline expires.

IT IS THEREFORE ORDERED that:

1. Petitioner shall have until **May 23, 2024**, to supplement the record with the affidavits and cell phone records described above.
2. The Clerk of Court is directed to set a pro se case management deadline using the following text: **May 23, 2024**: deadline for Petitioner to supplement record.

Dated this 23rd day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Court